

Date of Deposit: ~~September~~ 28, 2009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS : Parikh et al. CONFIRMATION NO.: 7862  
SERIAL NUMBER : 09/443,863 EXAMINER : Gollamudi S. Kishore  
FILING DATE : November 19, 1999 ART UNIT : 1612  
FOR : DISPERSIBLE PHOSPHOLIPID STABILIZED MICROPARTICLES

**Mail Stop RCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION UNDER 37 CFR § 1.132 OF INDU PARIKH**

I, Indu Parikh of 2558 Booker Creek Rd, Chapel Hill, NC 27514, declare and state:

1. I have read and understand the subject matter described and claimed in the instant application, United States Patent Application Serial No. 09/443,863 filed November 19, 1999 ("the '863 application"), entitled "Dispersible Phospholipid Stabilized Microparticles."
2. I have read and understand the final Office Action mailed of August 28, 2008 and understand that claims 50-52, 54, 56-75, 77, 79-95, 97-104 and 108-131 remain rejected under 35 U.S.C. §103(a) as being unpatentable over WO 98/07414 ("the '414 publication") in view of US Patent No. 5,976,577 ("Green") or US Patent No. 6,475,510 ("Venkatesh") as well as the Advisory Action mailed on January 22, 2009, which maintains the same rejections and indicates that the Declaration submitted on December 29, 2008 does not explain as to the what the contribution of the other inventors of '414 was.
3. I am a co-inventor of the '863 application.
4. I am an author of the '414 publication, entitled "Compositions Comprising Microparticles of Water-insoluble Substances and Method for Preparing Same" cited in the instant 103(a) rejection.

5. I make this declaration to establish that the contributions of Ulagaraj Selvaraj, the co-inventor of '414, include selecting a surfactant(s) that provide volume-weighted mean particle size values of the water-insoluble compound at least 50% smaller than particles produced without the presence of the surfactant using the same energy input. I assert that Ulagaraj Selvaraj did not invent the subject matter relied on by the Examiner in his rejection of claims 50-52, 54, 56-75, 77, 79-95, 97-104 and 108-131 remain rejected under 35 U.S.C. §103(a) as being unpatentable over the '414 publication in view of Green or Venkatesh. As I stated in an earlier declaration filed on December 29, 2009, I invented this subject matter.

6. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that willful false statements may jeopardize the validity of this application and any patent issuing therefrom.

  
Indu Parikh

Sept. 17, 2009  
Date